

LAND DEVELOPMENT CODE

§ 10-1103

- (2) All accessory structures shall setback seven and one-half feet from any property line, except where the permitted principal development setback is less, in which case the accessory structure shall comply with the principal structure setback.
  - (3) Accessory structures shall not be located in a required buffer of landscape area nor in the front yard or side corner yard.
  - (4) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff. Water surface area of a pool will not be considered part of impervious surface for stormwater calculations.
  - (5) Accessory structures shall be shown on any concept development plan.
  - (6) Accessory structures shall be located at least six feet from any other structure on the same lot.
- (b) *Storage buildings, utility buildings, greenhouses.*
- (1) No accessory buildings used for industrial storage of hazardous, incendiary, noxious or deadly materials shall be located nearer than 100 feet from any property line.
  - (2) Vehicles, including travel trailers, recreational vehicles, manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.
- (c) *Swimming pools, hot tubs and similar structures.*
- (1) Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback. Swimming pools that are accessory to an existing permitted principal residential structure shall not be limited in size as a percentage of the floor area or cubic volume of the principal structure as noted in the definition of in section 10-1 or in the minimum development standards for the applicable zoning district.
  - (2) Enclosures for swimming pools shall comply with standards for yard requirements

and other accessory building location requirements of this article. Minimum setback distances for swimming pools shall be measured from the edge of the water in the pool.

- (3) All pools shall be completely enclosed within an approved wall, fence, or other substantial structure not less than four feet in height. The enclosure shall completely surround the pool and shall be of sufficient material to prohibit unrestrained admittance to the enclosed area, and shall incorporate the use of self-closing and self-latching doors.

(Ord. No. 92-10, § 2(10.2), 3-10-92; Ord. No. 99-15, § 8, 5-25-99; Ord. No. 00-33, § 2, 9-12-00)

**Sec. 10-1103. Accessory uses.**

(a) *Generally.* Accessory uses are permitted only in conjunction with a principal use. The county administrator or designee during project determination will make the determination of compliance with this section.

(b) *Accessory apartments.*

- (1) *Purpose.* The purpose of this subsection is to provide for inexpensive housing units, making housing available to persons who might otherwise have difficulty finding homes while maintaining and protecting the property values and residential character of neighborhoods where accessory apartments are located.

- a. No more than one accessory apartment shall be permitted on any lot.
- b. Any accessory apartment shall be located within or attached to the principal structure. An accessory apartment shall not be construed to be located within or attached to the principal structure if connected only by a breezeway, roofed passage or similar structure.
- c. Any accessory apartment shall not exceed 800 square feet gross floor area or ten percent of the total square footage, whichever is greater when accessory to single-family or two-

family structures. An accessory apartment shall not be permitted for multi-family structures. There shall be no maximum square footage for accessory apartments to retail, office, and industrial principal structures.

- d. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure.
- e. No variances or waivers to the requirements of this article shall be allowed in order to accommodate an accessory apartment.

(c) *Home occupation.* Home occupations as accessory uses for dwelling units, involving the manufacture or provision of goods or services for a charge, fee, or other compensation, may be permissible uses in all districts that permit any residential development as a principal use, subject to the following restrictions:

- (1) No more than one person not living in the dwelling unit in which a home occupation is conducted shall be employed or otherwise engaged in the home occupation being operated from the dwelling unit.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The total area used for the home occupation, including storage, whether inside the dwelling or in a separate building on the premises, shall not exceed one-third of the floor area of the enclosed living area of the dwelling unit. Floor area of garages shall not be included in the calculation of the total floor area of the enclosed living area of the dwelling unit.
- (3) The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling, except for on-site storage, or other related activities conducted off the premises.
- (4) Storage of all materials, including equipment, relating to the home occupation, shall be contained entirely within a com-

pletely enclosed structure. Storage of materials must comply with the rules and regulations promulgated by the state fire marshal.

- (5) No merchandise or articles for sale shall be displayed for advertising purposes, and no sign or other evidence of the conduct of a home occupation shall be visible outside the dwelling unit. If more than one motor vehicle is used in the conduct of the home occupation, any identification and advertising signs on the motor vehicles must be removed or covered while such vehicles are parked on the premises.
- (6) No activity shall be conducted nor any equipment or process shall be used which constitutes a health hazard, causes air or water pollution, or creates noise, vibration, glare, fumes, odors or electrical interference detectable to the senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (7) No more than two motor vehicles used in the conduct of the home occupation may be kept on the premises at any one time.
- (8) All parking associated with the home occupation shall be located on the driveway associated with the dwelling unit.
- (9) No occupation requiring the owner of a business:
  - a. To report, collect, or pay any state or federal excise tax with respect to the sale of any tangible personal property at or from the dwelling unit; or
  - b. To hold any state or federal license or permit authorizing the possession, sale, or use of any alcoholic beverages, tobacco products, or hydrocarbon-based fuel products shall be allowable as a home occupation pursuant to this section.

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(d) *Central dining rooms, recreation centers and other amenities.*

(1) *Generally.* Residential and nonresidential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided in this subsection (d).

(2) *Dining rooms/cafeterias/snack shops, etc.* A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:

- a. The facility shall not be open to the general public.
- b. There shall be no off-site signs advertising the presence of the facility.

(3) *Community centers/recreation centers.* Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

- a. Such facilities shall not include health clubs, gyms and the like offering services to the general public.
- b. Parking to serve the building shall be provided as required by Division 5 of this article.
- c. There shall be no identification signs, other than directional signs, pursuant to Article XIII (sign ordinance).

(4) *Employee fitness centers.* Nonresidential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:

- a. Such facilities shall not be open to the general public.
- b. There shall be no signs, other than directional or occupant signs, identifying the facility.

(e) *Bed and breakfast inn.*

(1) *Generally.* Private home bed and breakfast inns may be permitted in all districts

that permit residential and residential mixed-use development as an accessory use to a single-family dwelling unit.

(2) *Standards.* Accessory private home bed and breakfast inns may be allowed provided all the following requirements are met:

- a. Private home bed and breakfast inns shall be limited to three guest rooms, except in the Historic Overlay District, where five guest rooms may be provided.
- b. Guests are limited to a length of stay of no more than 14 consecutive days.
- c. Planning department review is required to ensure that the establishment of the private home bed and breakfast inn accessory use is consistent with the comprehensive plan and conforms with the Land Development Regulations. Requests for the establishment of private home bed and breakfast inns, in the form of application/affidavit shall be filed with the planning department accompanied by a fee of \$200.00, for the purposes of notification. The application shall undergo staff review, including, but not necessarily limited to, review by the planning, growth and environmental management, and public works departments.

Within 15 days of receipt of the application, the director of the planning department shall make a recommendation based on comments from reviewing departments.

The Board of County Commissioners shall consider the application and planning department recommendation and shall hold a public hearing on the application.

Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general

circulation. The Board shall take final action on the application following the public hearing.

- d. The private home bed and breakfast inn operator shall be required to obtain an occupational license.

- e. The number of required parking spaces for guests and residents shall conform to the following schedule:

- One guest room, two spaces.
- Two guest rooms, three spaces.
- Three guest rooms, four spaces.
- Four guest rooms, five spaces.
- Five guest rooms, six spaces.

Parking is prohibited in the front yard unless the area is screened and the parking arrangement is determined to be compatible with the surrounding area. Parking may be located to the side or rear of the structure, to be screened from view of adjacent properties. (See section 10-923 for screening and buffering requirements.)

- f. No food preparation or cooking for guests shall be conducted within any bedroom nor other individual rooms, except for the kitchen and/or pantry. Meals may be provided only to residents and guests.
- g. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast inn; no existing structure should be enlarged or expanded for the purpose of providing additional rooms for guests. It is intended that private home bed and breakfast inn be converted or renovated single-family residences, and that this principal function be maintained. The exterior appearance of the structure shall not be altered from its single-family character.
- h. Only a singular sign, for the purposes of identification, not advertisement, shall be permitted. This sign shall not exceed two square feet in

area, and be posted no higher than three and one-half feet. This sign shall not be illuminated.

(f) *Private home adult day care facilities.*

- (1) *Generally.* Private home adult day care facilities for more than six persons may be permitted as an accessory use to a single-family dwelling in all districts except for residential preservation, R-1, and R-2 as an accessory use to a single-family dwelling unit. Private home adult day care facilities that provide care for six or fewer persons not related to the operator of the facility by blood, marriage, adoption or foster care shall be allowed as a home occupation as a home occupation consistent with the provisions of subsection (c) of this section.

- (2) *Standards.* Accessory private home adult day care facilities that provide care to seven or more persons may be allowed provided all of the following requirements are met:

- a. Private home adult day care facilities are required to comply with all licensing and regulatory requirements as established by the State of Florida.
- b. The facility shall only provide care to clients for a period less than 24 hours per day.
- c. Development review is required to ensure that the establishment of the private home adult day care facility accessory use is consistent with the comprehensive plan and conforms with the land development regulations. Requests for the establishment of home private adult day care facilities, in the form of application/affidavit shall be filed with the department of growth and environmental management accompanied by a fee set by the Board of County Commissioners for the purposes of notification.

The application shall undergo staff review, including but not necessarily

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limited to, review by the county's site and development plan staff technical review committee.

Within 15 days of receipt of the application, the county administrator or his or her designee shall make a recommendation based on comments from reviewing departments.

The Board of County Commissioners shall consider the application and county administrator recommendation and shall hold a public hearing on the application.

Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general circulation. In addition, written notification shall be provided to all property owners within 500 feet of the proposed facility.

- d. The private home adult day care facility operator shall be required to obtain an occupational license from the county.
- e. No structure shall be constructed for the sole purpose of being utilized as a private home adult day care facility; no existing structure shall be enlarged or expanded for the purpose of providing additional area for a private home adult day care facility. Private home adult day care facilities shall maintain their principal function as single-family residences. The exterior appearance of the structure shall not be altered from its single-family character.
- f. Only a single sign, for the purposes of identification, not advertisement, shall be permitted. This sign shall not exceed two square feet in area, and be posted no higher than three and one-half feet from grade. This sign shall not be illuminated.

(3) *Application requirements.* An application for a private home adult day care facility shall include the following information:

- a. A site plan drawn to scale showing the location and size of the private home to be utilized as an accessory adult day care facility.
- b. A description of adjoining land uses.
- c. A description of site access and vehicular circulation, including a graphic representation on the site plan. This shall include drop-off and pick-up routes identified, and access for emergency vehicles.
- d. If the facility will have employees, employee parking shall be provided and landscaped consistent with section 10-260 and buffered consistent with section 10-923.
- e. The facility shall provide documentation of compliance with the provisions of the Americans with Disabilities Act.
- f. If central sanitary sewer service is not available to the proposed site, the applicant shall provide documentation from the director of environmental health that the onsite septic system is appropriate for the proposed use.
- g. The applicant shall include a concurrency management review and resulting certificate of concurrency.

(g) *Private airports.*

- (1) *Generally.* Private airports are not permitted except in the rural or planned unit development districts. All private airports shall comply with the provisions of Chapter 330, Florida Statutes and Chapter 14-60, Florida Administrative Code. All terms, words, and phrases used in this section shall have the same meaning or definition as noted in Chapter 330, Florida Statutes.

(2) *Standards.* Private airports may be allowed provided all the following requirements are met:

- a. The proposed landing area shall be located at least 500 feet from residential structures on adjoining properties.
- b. The hours of operation shall be daylight hours, from sunup to sundown.
- c. There shall be no sale of fuel or sale of maintenance services at a private airport. Commercial or business activities of aviation related services such as leasing of tiedowns and hangars, operation of a flight school, or the transportation of passengers for consideration shall not be permitted.
- d. Rural zoning district. Planning department review is required to ensure that the establishment of the private airport is consistent with the comprehensive plan and conforms with the land development regulations. Requests for the establishment of a private airport, in the form of an application, shall be filed with the planning department accompanied by a fee of \$200.00, for the purposes of notification. The application shall undergo staff review, including, but not necessarily limited to, review by the planning, growth and environmental management, and public works departments.

The planning department shall provide notice of the application by certified mail to property owners located within 500 feet of the proposed private airport.

Within 45 days of receipt of the application, the director of the planning department shall make a recommendation based on comments from reviewing departments. The Board of County Commissioners shall consider the application and planning department recommendation and shall hold a public hearing on

the application. Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general circulation. The board shall take final action on the application following the public hearing. Such action is not appealable.

- e. Planned unit development zoning district. A request for a private airport in this district shall comply with the provisions set forth in section 10-915 of this chapter.

(3) *Variances.* The board of adjustment and appeals shall grant variances to section (2), standards, of this section consistent with the provisions of section 10-56 of this chapter.

(Ord. No. 92-10, § 2(10.3), 3-10-92; Ord. No. 93-1, § 1, 2-9-93; Ord. No. 98-22, § 1, 11-24-98; Ord. No. 99-15, § 9, 5-25-99; Ord. No. 99-16, § 1, 5-25-99; Ord. No. 02-28, § 1, 10-22-02; Ord. No. 03-36, § 4(Exh. B), 11-25-03)

**Editor's note**—Ord. No. 99-16, § 1, adopted May 25, 1999, set out provisions pertaining to private airports included herein as subsection 10-1103(g) at the discretion of the editor. See the Code Comparative Table.

#### **Sec. 10-1104. Community services and facilities/institutional uses.**

(a) *Purpose and intent.* The intent of this section is to establish regulations, requirements, and standards for land uses and activities conducted for the public welfare. The location of community services and facilities/institutional uses shall be consistent with the comprehensive plan.

This section is intended to address uses, facilities, and structures necessary for the health, safety, and welfare of the general public, that are not typically provided for profit by private individuals and establishments. This section establishes public notice requirements for the establishment of any proposed community services and facilities/institutional uses as well as for the expansion or redesign of any such existing uses or facilities, and provides for public participation in this process. This section promulgates standards to ensure that the location of community services and facilities/

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